

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

HARTFORD FIRE INSURANCE
COMPANY,

Plaintiff,

v.

NBC GENERAL CONTRACTORS
CORPORATION, a California
Corporation; MONICA UNG, an
individual; and DENNIS CHOW,
an individual,

Defendants.

Case No: C 09-5363 SBA

ORDER

On April 22, 2014, the Court granted summary judgment in favor of Hartford Fire Insurance Company (“Hartford”) on its breach of indemnity agreement claim against Monica Ung (“Ung”) in the amount of \$5,572,663.42. Dkt. 137. In that order, the Court directed Hartford to file a statement advising the Court of its intentions on the remaining claims alleged against Ung in the complaint. *Id.* On April 25, 2014, Hartford filed a statement requesting the Court dismiss the remaining claims alleged against Ung in the complaint (i.e., the second claim for specific performance, the third claim for injunctive relief, and the fourth claim for *quia timet*) without prejudice under Rule 15 of the Federal Rules of Civil Procedure. Dkt. 138. The Court construes Hartford’s request as a motion to voluntarily withdraw its second, third, and fourth claims for relief under Rule 15. See Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 687-688 (9th Cir. 2005). The Court GRANTS Hartford’s motion. The second, third, and fourth claims for relief alleged by Hartford against Ung are DISMISSED without prejudice.

1 In addition to requesting dismissal of the remaining claims alleged against Ung in
2 the complaint, Hartford requests the Court enter final judgment against Ung on its breach of
3 indemnity agreement claim. Dkt. 138. The Court finds that there is no just reason for delay
4 in the entry of judgment against Ung on Hartford's breach of indemnity agreement claim.
5 Fed.R.Civ.P. 54(b). Accordingly, IT IS HEREBY ORDERED that FINAL JUDGMENT is
6 entered in favor of Hartford on its breach of indemnity agreement claim against Ung in the
7 amount of \$5,572,663.42.

8 IT IS SO ORDERED.

9 Dated: 4/25/2014

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11 SAUNDRA BROWN ARMSTRONG
12 United States District Judge
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